

United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Thomas Simmons

Case Number: 5:05CR00203-006

Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr. Senior U.S. District Judge

Date of Original Sentence: August 28, 2007

Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine and Cocaine Base (Crack), 21 U.S.C. § 846 & 21 U.S.C. § 851

Original Sentence: 120 months, 8 years Supervised Release

Type of Supervision: Supervised Release Date Supervision Commenced: 8/9/14

Asst. U.S. Attorney: Terrence M. Kelly Defense Attorney: Jeremy Schwartz

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

- | | |
|---|---|
| 1 | <p><u>New Criminal Conduct: The defendant shall not commit another federal, state or local crime.</u></p> <p>On March 7, 2015, the defendant was arrested by the Danvers Police Department, Danvers, Massachusetts and charged with three counts of Larceny Over \$250, Forgery and Misuse of a RMV Document, Credit Card Fraud Over \$250, and Possession of Credit Card Counterfeit Press, all felonies. The arrest is related to an incident that occurred on that same date where the defendant was attempting to purchase gift cards at Walmart in Danver, MA. The defendant appeared on March 9, 2015 and was released on \$2,500 cash bail.</p> <p>This information is based on police reports from the Danvers Police Department, Danvers, Massachusetts. (Grade B violation)</p> |
| 2 | <p><u>New Criminal Conduct: The defendant shall not commit another federal, state or local crime.</u></p> <p>On March 9, 2015, the defendant was arrested by the Tewksbury Police Department, Tewksbury, Massachusetts and charged with Larceny Over \$250, Improper Use of a Credit Card over \$250, both felonies. The defendant was also arrested for False Impersonation and Identity Fraud, a misdemeanor. The arrest is related to an incident that occurred on January 31, 2015 involving a stolen credit card investigation. The defendant appeared for arraignment in Lowell District Court, Lowell, Massachusetts on March 10, 2015.</p> <p>This information is based on police reports from the Tewksbury Police Department, Department. Tewksbury, Massachusetts (Grade B violation)</p> |

Name of Offender: Thomas Simmons

Case Number: 5:05CR00203-006

3 **New Criminal Conduct: The defendant shall not commit another federal, state or local crime.**

On March 9, 2015, the probation office received an incident report from the Lincoln Police Department, Lincoln, Massachusetts advising they were investigating the defendant for credit card fraud and larceny, involving an incident that occurred on February 2, 2015. Lincoln Police Department was able to obtain additional information from the Danvers and Tewksbury Police Departments and are seeking a criminal complaint to charge the defendant with Credit Card Fraud over \$250 and Larceny Over \$250, both felonies.

This information is based on police reports from the Lincoln Police Department, Lincoln, Massachusetts. (Grade B violation)

4 **Standard Condition #1: The defendant shall not leave the judicial district without permissions from the Court or probation officer.**

On March 7, 2015, the defendant was observed at a Walmart Store, in Danvers, Massachusetts. At that time, the defendant was confronted by police regarding a criminal investigation of credit card fraud and larceny and subsequently arrested. The defendant did not have permission to leave the Northern District of New York.

This information is based on police reports from the Danvers Massachusetts Police Department. (Grade C violation)

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

☐ Extended for year(s), for a total term of years.

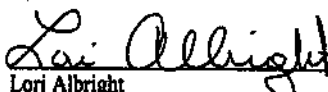
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 10, 2015

Approved by: _____

by: _____


Lori Albright

Supervising U.S. Probation Officer



Mark A. Walker
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Summons
☐ Other
☒ The Issuance of a Warrant. This petition and all documents attached hereto are **SEALED** until such time as the warrant generated by this petition is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone **EXCEPT** that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.



Signature of Judicial Officer

3/10/2015

Date